

May 18, 2004 CPC



**STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION**

04SN0246

Richmond Affordable Housing

**Bermuda Magisterial District
West line of Jefferson Davis Highway**

REQUEST: Rezoning from Multifamily Residential (R-MF) to Community Business (C-3).

PROPOSED LAND USE:

Access to property currently zoned for commercial uses is planned. However, with approval of this request the property could be developed for commercial uses.

RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses comply with the Jefferson Davis Corridor Plan which suggests the property is appropriate for general commercial use.
- B. The proposed zoning and land uses are compatible with existing and anticipated area development.
- C. The development standards of the Zoning Ordinance will further ensure land use compatibility with area development.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION, THE PROPERTY OWNER MAY PROFFER OTHER CONDITIONS.)

PROFFERED CONDITION

Prior to any site plan approval or within 90 days of a written request by the County, whichever occurs first, an access easement acceptable to the Transportation Department shall be recorded from Jefferson Davis Highway to the adjacent property to the north (Tax ID 790-680-5316). (T)

GENERAL INFORMATION

Location:

Fronts the west line of Jefferson Davis Highway, north of Bensley Commons Boulevard. Tax ID 790-679-Part of 0705 (Sheet 18).

Existing Zoning:

R-MF with Conditional Use Planned Development

Size:

0.8 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-7 and C-3; Single family residential
South - C-3; Multifamily residential
East - C-3; Commercial
West - C-3; Vacant

UTILITIES

This request will not impact the public water and wastewater systems.

ENVIRONMENTAL

Drainage and Erosion:

The property drains southeast through an existing storm-sewer system to No Name Creek. There are no existing or anticipated on- or off-site drainage or erosion problems.

PUBLIC FACILITIES

Fire Service:

The Bensley Fire/Rescue Station, Company Number 3, currently provides fire protection and emergency medical service (EMS). This request will have only minimal impact on fire and EMS. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Transportation:

The property (0.8 acre) is currently zoned Multifamily Residential (R-MF). The applicant is requesting rezoning from R-MF to Community Business (C-3). This request will have a minimal impact on the transportation network.

A private road (Tower Road) was developed on the property and is currently used by the Winchester Green mixed-use development to access Jefferson Davis Highway. Development must adhere to the Development Standards Manual in the Zoning Ordinance relative to access and internal circulation (Division 5). Access to major arterials, such as Jefferson Davis Highway, should be controlled. The applicant has proffered to record an access easement from Jefferson Davis Highway to the property to the north to allow shared use of this private road. (Proffered Condition)

The property is located within the Jefferson Davis Highway Enterprise Zone. Based on the Board of Supervisors' Policy regarding development within the Enterprise Zone, road improvements will not be required by the County. Road improvements may be required by the Virginia Department of Transportation.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Jefferson Davis Corridor Plan which suggests the property is appropriate for general commercial use.

Area Development Trends:

Area development is characterized by commercial uses along the Jefferson Davis Highway frontage and residential or vacant properties off of the Corridor.

Zoning History:

On April 10, 1963, the Board of Supervisors granted zoning approval to allow the development of multifamily units on property that included the request property (Case 63-29). Subsequently, Park Lee Garden Apartments were developed on that property.

On March 26, 1997, the Board of Supervisors, upon a favorable recommendation from the Planning Commission, granted zoning approval to allow the development of multifamily units on property that included the request property (Case 97SN0180). The intent of Case 97SN0180 was to demolish the Park Lee Garden Apartments and build another multifamily development at a lower density. Subsequently, the Winchester Green multifamily complex was developed on most of the property. The request site remains vacant and is planned to provide access to recently zoned commercial property to the west.

Development Standards:

Currently, the request property lies within the Jefferson Davis Highway Northern Area Post Development Area. The purpose of the Post Development Area standards is to provide flexible design criteria in areas that have already experienced development and ensure continuity of development. Redevelopment of this site or new construction must conform to the requirements of the Zoning Ordinance, which address access, parking, landscaping, architectural treatment, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Buffers and Screening:

The Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) on property which is adjacent to an R or R-MF District be screened from view of such district by a masonry or concrete wall which is constructed of comparable materials to, and designed to be compatible with, the principal building that such area serves. In addition, such area within 1,000 feet of any R or R-MF District must not be serviced between the hours of 9:00 p. m. and 6:00 a. m.

Further, sites must be designed and buildings oriented so that loading areas are screened from adjacent properties where loading areas are not permitted and from public rights of way.

With the approval of this request, outside storage would be permitted as a restricted use. Outside storage areas must be screened from view of adjacent properties where such areas are not permitted and from public rights of way.

A portion of adjacent property to the north is zoned Residential (R-7) and is occupied by a single-family residence. The Zoning Ordinance requires a minimum twenty-five (25) foot buffer along the northern property boundary of the request site where adjacent to the residentially zoned property or the site must be designed such that the walls of the buildings act as screening. It should be noted, with approval of this request, the existing private roadway would become legally non-conforming, and would therefore not be subject to the buffer requirements of the C-3 zoning. However, should the roadway be removed and reconstructed or some other use develop on the property, the requirements of the C-3 District would be applicable to include buffer or site design requirements.

CONCLUSIONS

The proposed zoning and land uses complies with the Jefferson Davis Corridor Plan which suggests the property is appropriate for general commercial use. In addition, the proposed zoning and land uses are compatible with existing and anticipated area development. The development standards of the Zoning Ordinance will further ensure land use compatibility with area development.

Given these considerations, approval of this request is recommended.

